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20 UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 AMERICAN FEDERATION OF
24 GOVERNMENT EMPLOYEES, AFL-CIO;
25 AMERICAN FEDERATION OF STATE
26 COUNTY AND MUNICIPAL EMPLOYEES,
27 AFL-CIO, et al.,

28 Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, et al.,

Defendants.

Case No. 3:25-cv-01780-WHA

**SUPPLEMENTAL DECLARATION OF
KORY BLAKE**

DECLARATION OF KORY BLAKE

I, Kory Blake, declare as follows:

1. I am over 18 years of age and competent to give this declaration. This declaration is based on my personal knowledge, information, and belief.

2. I am the Area Field Services Director (“AFSD”) for the Eastern Region in the Organizing and Field Services department of the American Federation of State, County and Municipal Employees, AFL-CIO (“AFSCME”). This declaration is provided as a supplement to my declaration of February 22, 2025.

3. Since first hearing about the mass terminations of federal probationary employees, AFSCME has received follow-up communications from members who have been terminated. These members have shared their stories with the Union about their experiences during this difficult time and harms caused to their lives by the terminations. In general, affected employees are very confused and anxious because the perfunctory termination notices base their termination on “performance” without any specific examples or individualized justifications.

4. Some affected employees shared with AFSCME that after receiving termination notices stating that the employee’s termination was “based on your performance,” they immediately contacted the USDA’s human resources department to ask the agency to produce specific details of unsatisfactory performance that formed the basis of their termination.

5. For example, one AFSCME member shared with AFSCME a series of email communications between the employee and the USDA’s Deputy Chief Human Capital Officer. On February 14, the affected employee emailed the human resources department immediately after receiving a termination notice stating, “I received a notification of termination early this morning indicating the termination is ‘based on your performance’. Can you please share the specific details of my performance that were evaluated and found to be insufficient?” The USDA’s Deputy Chief Human Capital Officer responded that “[l]ast night, agencies were notified by the Office of Personnel
Supplemental Declaration of Kory Blake, No. 3:25-cv-01780-WHA

1 Management (OPM) that the Administration has decided probationary employees are not eligible for
2 the Deferred Resignation program and also that these employees are to be terminated. Agencies were
3 directed to begin providing termination notices to affected employees and directed the use of a specific
4 template and language for the notice beginning immediately upon OPM notification.” A true and
5 correct copy of that email communication is attached hereto as Exhibit A.
6

7 6. Also, as of the writing of this declaration, at least 17 terminated federal probationary
8 employees have indicated, and provided me examples of documents evidencing, that they have
9 received performance reviews, recent commendations, performance awards or other communications
10 from their agencies or supervisors stating that their performance is outstanding or that their
11 performance meets expectations, and that their performance has never been questioned during their
12 probationary period.
13

14
15 I declare under penalty of perjury under the laws of the United States that the foregoing is true
16 and correct. Executed this 26th day of February 2025 in Washington, DC.

17 

18 _____
19 Kory Blake
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Exhibit A

[REDACTED]

From: [REDACTED] - TFAA-FAS, DC <[REDACTED]>
Sent: Friday, February 14, 2025 10:41 AM
To: [REDACTED]
Subject: FW: [REDACTED] - Notification of Termination Question

[REDACTED]
Food Technologist



U.S. DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

1400 Independence Ave. S.W., Washington, DC 20250

From: [REDACTED] - TFAA-FAS, DC
Sent: Friday, February 14, 2025 1:40 PM
To: TFAA-FAS-CHCO <[REDACTED]>
Cc: [REDACTED] - TFAA-FAS, DC <[REDACTED]>
Subject: RE: [REDACTED] - Notification of Termination Question

Thanks, Crystal. It sounds like there was not a review of my performance, which is helpful information.

Best,
[REDACTED]

[REDACTED]
Food Technologist



U.S. DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

1400 Independence Ave. S.W., Washington, DC 20250

From: TFAA-FAS-CHCO <[REDACTED]>
Sent: Friday, February 14, 2025 1:14 PM
To: [REDACTED] - TFAA-FAS, DC <[REDACTED]>; TFAA-FAS-CHCO <[REDACTED]>
Cc: [REDACTED] - TFAA-FAS, DC <[REDACTED]>
Subject: RE: [REDACTED] - Notification of Termination Question

Hello [REDACTED],

Last night, agencies were notified by the Office of Personnel Management (OPM) that the Administration has decided probationary employees are not eligible for the Deferred Resignation program and also that these

employees are to be terminated. Agencies were directed to begin providing termination notices to affected employees and directed the use of a specific template and language for the notice beginning immediately upon OPM notification.

Sincerely,

Crystal L. Harris

Deputy Chief Human Capital Officer
Business Operations | Mission Support | Human Capital Management Division



U.S. DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service
1400 Independence Avenue, S.W., Washington, DC 20250
p: [REDACTED] | c: [REDACTED]

From: [REDACTED] - TFAA-FAS, DC <[REDACTED]>

Sent: Friday, February 14, 2025 7:03 AM

To: TFAA-FAS-CHCO <[REDACTED]>

Cc: [REDACTED] - TFAA-FAS, DC <[REDACTED]>

Subject: [REDACTED] - Notification of Termination Question

Good morning,

I received a notification of termination early this morning indicating the termination is “based on your performance”. Can you please share the specific details of my performance that were evaluated and found to be insufficient? I’m copying my supervisor in the case that he has additional details or that I lose access to this email address.

Thanks,

[REDACTED]

[REDACTED]

Food Technologist



U.S. DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service
1400 Independence Ave. S.W., Washington, DC 20250

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